

HOUSE JOURNAL

OF THE

IDAHO LEGISLATURE

FIRST REGULAR SESSION
SIXTIETH LEGISLATURE

SIXTY-FIRST LEGISLATIVE DAY
FRIDAY, MARCH 13, 2009

House of Representatives

The House convened at 8 a.m., the Speaker in the Chair.

Roll call showed 63 members present.

Absent and excused – Lake, Loertscher, Mathews, Simpson, Smith(24), Takasugi, Thompson. Total – 7.
Total – 70.

Prayer was offered by Chaplain Tom Dougherty.

The Pledge of Allegiance was led by Keisha Hale, Page.

Approval of Journal

March 13, 2009

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Sixtieth Legislative Day and recommend that same be adopted as corrected.

CLARK, Chairman

Mr. Clark moved that the report be adopted. Seconded by Mrs. Boe. Report adopted.

Consideration of Messages from the Governor and the Senate

March 12, 2009

Mr. Speaker:

I return herewith enrolled [H 45](#) and [H 35](#) which have been signed by the President.

WOOD, Secretary

Enrolled [H 45](#) and [H 35](#) were referred to the Judiciary, Rules, and Administration Committee for delivery to the Governor.

March 12, 2009

Mr. Speaker:

I transmit herewith [SJM 101](#), [S 1109](#), as amended, and [S 1112](#), as amended, which have passed the Senate.

WOOD, Secretary

[SJM 101](#), [S 1109](#), as amended, and [S 1112](#), as amended, were filed for first reading.

Mr. Speaker:

I return herewith [HCR 21](#) which has passed the Senate.
WOOD, Secretary

[HCR 21](#) was referred to the Judiciary, Rules, and Administration Committee for enrolling.

Report of Standing Committees

March 13, 2009

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have printed [H 232](#), [H 233](#), [H 234](#), [H 235](#), and [H 236](#).

CLARK, Chairman

[H 232](#) was referred to the Revenue and Taxation Committee.

[H 233](#) was filed for second reading.

[H 234](#), [H 235](#), and [H 236](#) were referred to the Judiciary, Rules, and Administration Committee.

March 12, 2009

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have transmitted enrolled [H 64](#), as amended in the Senate, as amended in the Senate, to the Governor at 1:20 p.m., as of this date, March 12, 2009.

CLARK, Chairman

March 12, 2009

Mr. Speaker:

We, your COMMITTEE ON REVENUE AND TAXATION, report that we have had under consideration [S 1128](#) and recommend that it do pass.

LAKE, Chairman

[S 1128](#) was filed for second reading.

March 12, 2009

Mr. Speaker:

We, your COMMITTEE ON HEALTH AND WELFARE, report that we have had under consideration [S 1115](#) and recommend that it do pass.

BLOCK, Chairman

[S 1115](#) was filed for second reading.

March 12, 2009

Mr. Speaker:

We, your COMMITTEE ON AGRICULTURAL AFFAIRS, report that we have had under consideration [HCR 26](#) and [S 1071](#), as amended, and recommend that they do pass.

TRAIL, Chairman

[HCR 26](#) and [S 1071](#), as amended, were filed for second reading.

March 12, 2009

Mr. Speaker:

We, your COMMITTEE ON TRANSPORTATION AND DEFENSE, report that we have had under consideration [H 226](#),

[H 24](#), [S 1111](#), and [S 1098](#), as amended, and recommend that they do pass.

WOOD, Chairman

[H 226](#), [H 24](#), [S 1111](#), and [S 1098](#), as amended, were filed for second reading.

March 13, 2009

Mr. Speaker:

We, your COMMITTEE ON TRANSPORTATION AND DEFENSE, report that we have had under consideration [H 97](#) and report it back with amendments attached to be placed on General Orders for consideration.

WOOD, Chairman

[H 97](#) was placed on General Orders for consideration.

There being no objection, the House advanced to the Seventh Order of Business.

Motions, Memorials, and Resolutions

HOUSE JOINT MEMORIAL NO. 6 BY STATE AFFAIRS COMMITTEE

A JOINT MEMORIAL

TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES IN CONGRESS ASSEMBLED, AND TO THE CONGRESSIONAL DELEGATION REPRESENTING THE STATE OF IDAHO IN THE CONGRESS OF THE UNITED STATES.

We, your Memorialists, the House of Representatives and the Senate of the State of Idaho assembled in the First Regular Session of the Sixtieth Idaho Legislature, do hereby respectfully represent that:

WHEREAS, federal legislation was introduced as H.R. 2421 in the United States House of Representatives by Congressman James Oberstar. The legislation was known as the Clean Water Restoration Act of 2007, and was proposed to clarify which waters are subject to the jurisdiction of the United States under the Federal Water Pollution Control Act, 33 U.S.C. 1251, et seq.; and

WHEREAS, the federal legislation sought to clarify jurisdiction by striking the term "navigable waters" and replacing it with "waters of the United States" defined as "all waters subject to the ebb and flow of the tide, the territorial seas, and all interstate and intrastate waters and their tributaries, including lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, natural ponds, and all impoundments of the foregoing..."; and

WHEREAS, the bill, having not come up for debate, never became law and at the end of the congressional session all proposed bills and resolutions that have not passed are cleared from the books. There is, however, a strong likelihood that the bill will be reintroduced in this new congressional session; and

WHEREAS, striking the term "navigable waters" would potentially expand the federal government's reach beyond that which was intended and thereby blur jurisdictional authority to manage and regulate water resources within state and local government jurisdictions; and

WHEREAS, given the ambiguity of the legislation's jurisdictional reach, the implementation of the proposal may lead to increased litigation and uncertainty among public and private stakeholders, including homeowners, farmers, water districts and state and federal agencies, among others.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixtieth Idaho Legislature, the House of Representatives and the Senate concurring therein, that the Idaho Legislature adamantly opposes any proposed federal legislation, similar to the Clean Water Restoration Act of 2007, introduced as H.R. 2421 in the United States House of Representatives in May, 2007, and urges congress not to enact any similar legislation.

BE IT FURTHER RESOLVED that the Chief Clerk of the House of Representatives be, and she is hereby authorized and directed to forward a copy of this Memorial to the President of the Senate and the Speaker of the House of Representatives of Congress, and the congressional delegation representing the State of Idaho in the Congress of the United States.

[HJM 6](#) was introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

[SJM 101](#), by Judiciary and Rules Committee, was introduced, read the first time by title, and referred to the Health and Welfare Committee.

Introduction, First Reading, and Reference of Bills and Joint Resolutions

HOUSE BILL NO. 237 BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO LOBBYISTS; AMENDING SECTION 67-6605, IDAHO CODE, TO CORRECT A CODE REFERENCE; AMENDING SECTION 67-6621, IDAHO CODE, TO REVISE PROHIBITED ACTIONS OF A PERSON REQUIRED TO REGISTER AS A LOBBYIST AND TO MAKE TECHNICAL CORRECTIONS; AND AMENDING SECTION 67-6625, IDAHO CODE, TO PROVIDE THAT A CERTAIN SUBSEQUENT VIOLATION SHALL BE A FELONY, TO CORRECT CODE REFERENCES AND TO MAKE TECHNICAL CORRECTIONS.

HOUSE BILL NO. 238 BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO FEES OF THE COUNTY RECORDER; AMENDING SECTION 31-3205, IDAHO CODE, TO REVISE PROVISIONS FOR DETERMINING THE FEE FOR DUPLICATION OF RECORDED DOCUMENTS IN EXCESS OF ONE HUNDRED PAGES OR FOR CONTINUOUS ELECTRONIC COPY REQUESTS FOR DUPLICATION OF RECORDS.

HOUSE BILL NO. 239 BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO FISH AND GAME; AMENDING SECTION 36-202, IDAHO CODE, TO REVISE THE DEFINITION OF "SENIOR RESIDENT"; AND AMENDING SECTION 36-404, IDAHO CODE, TO REVISE SENIOR RESIDENT COMBINATION LICENSE PROVISIONS; AND PROVIDING AN EFFECTIVE DATE.

HOUSE BILL NO. 240 BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO FISH AND GAME; AMENDING SECTION 36-115, IDAHO CODE, TO DELETE CERTAIN PAYMENT PRIORITY PROVISIONS RELATING TO THE BIG GAME DEPREDAATION FUND.

HOUSE BILL NO. 241
BY STATE AFFAIRS COMMITTEE
AN ACT

RELATING TO MOTOR VEHICLES; AMENDING SECTION 49-663, IDAHO CODE, TO REVISE PROVISIONS FOR POSTED SPEED LIMITS RELATING TO THE OPERATION OF NEIGHBORHOOD ELECTRIC VEHICLES; AND DECLARING AN EMERGENCY.

HOUSE BILL NO. 242
BY REVENUE AND TAXATION COMMITTEE
AN ACT

RELATING TO THE IDAHO SMALL EMPLOYER INCENTIVE ACT; AMENDING SECTION 63-4402, IDAHO CODE, TO REVISE THE DEFINITION OF PROJECT PERIOD; AMENDING SECTION 63-4403, IDAHO CODE, TO EXTEND THE SUNSET DATE; AMENDING SECTION 63-4404, IDAHO CODE, TO EXTEND THE SUNSET DATE; AMENDING SECTION 63-4405, IDAHO CODE, TO EXTEND THE SUNSET DATE; AND AMENDING SECTION 63-4408, IDAHO CODE, TO EXTEND THE SUNSET DATE.

HOUSE BILL NO. 243
BY REVENUE AND TAXATION COMMITTEE
AN ACT

RELATING TO THE TOBACCO PRODUCTS TAX; AMENDING SECTION 63-2551, IDAHO CODE, TO PROVIDE ADDITIONAL DEFINITIONS; AMENDING SECTION 63-2552, IDAHO CODE, TO PROVIDE FOR TAXATION OF LITTLE CIGARS AND TO DELETE OBSOLETE LANGUAGE; AMENDING SECTION 63-2552A, IDAHO CODE, TO PROVIDE THAT A CERTAIN TAX SHALL NOT APPLY TO LITTLE CIGARS, TO DELETE OBSOLETE LANGUAGE AND TO MAKE A TECHNICAL CORRECTION; DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

HOUSE BILL NO. 244
BY REVENUE AND TAXATION COMMITTEE
AN ACT

RELATING TO THE LOCAL ECONOMIC DEVELOPMENT ACT; AMENDING SECTION 50-2904, IDAHO CODE, TO PROVIDE CODE REFERENCES, TO REVISE PROVISIONS RELATING TO CERTAIN LIMITS; AMENDING SECTION 50-2905, IDAHO CODE, TO REVISE PROVISIONS RELATING TO PLANS FOR REVENUE ALLOCATION AREAS, TO PROVIDE FOR APPROVAL OF SUCH PLANS AND TO MAKE TECHNICAL CORRECTIONS; AND AMENDING SECTION 50-2907, IDAHO CODE, TO PROVIDE FOR THE FILING OF A REPORT, TO PROVIDE REQUIREMENTS RELATED TO CERTAIN FILINGS AND SUBMITTALS RELATING TO REVENUE ALLOCATION AREAS, TO PROHIBIT THE REALLOCATION OF REVENUE IN CERTAIN CIRCUMSTANCES, TO PROVIDE FOR THE SUSPENSION OF THE REALLOCATION OF TAX REVENUE, TO PROVIDE FOR AN EXCEPTION, TO PROVIDE FOR NOTICE AND TO PROVIDE FOR THE APPLICATION OF LAW.

[H 237](#), [H 238](#), [H 239](#), [H 240](#), [H 241](#), [H 242](#), [H 243](#), and [H 244](#) were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

[S 1109](#), as amended, and [S 1112](#), as amended, by Health and Welfare Committee, were introduced, read the first time by title, and referred to the Health and Welfare Committee.

There being no objection, the House advanced to the Tenth Order of Business.

Second Reading of Bills and Joint Resolutions

[HCR 27](#) and [H 222](#), by Education Committee, were read the second time by title and filed for third reading.

[S 1017](#), as amended, as amended, by Education Committee, was read the second time by title and filed for third reading.

[H 220](#), [H 195](#), and [H 161](#), as amended, by State Affairs Committee, were read the second time by title and filed for third reading.

[S 1005](#), as amended, [S 1006](#), as amended, [S 1007](#), [S 1106](#), and [S 1004](#), as amended in the House, by Judiciary and Rules Committee, were read the second time by title and filed for third reading.

[HCR 23](#), by Commerce and Human Resources Committee, was read the second time by title and filed for third reading.

[S 1008](#), by Resources and Environment Committee, was read the second time by title and filed for third reading.

[H 46](#), as amended, by Health and Welfare Committee, was read the second time by title and filed for third reading.

[H 73](#), as amended, and [H 106](#), as amended, by Judiciary, Rules, and Administration Committee, were read the second time by title and filed for third reading.

Third Reading of Bills and Joint Resolutions

[H 212](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Ms. Jaquet to open debate.

The question being, "Shall [H 212](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Bayer, Bedke, Bell, Bilbao, Black, Block, Boe, Bolz, Boyle, Burgoyne, Chadderdon, Chavez, Chew, Clark, Collins, Crane, Cronin, Durst, Eskridge, Gibbs, Hagedorn, Hart, Hartgen, Henderson, Higgins, Jaquet, Jarvis, Killen, King, Kren, Labrador, Luker, Marriott, McGeachin, Moyle, Nielsen, Nonini, Palmer, Pasley-Stuart, Patrick, Pence, Raybould, Ringo, Roberts, Ruchti, Sayler, Shepherd(02), Shepherd(08), Shirley, Smith(30), Stevenson, Thayn, Trail, Willis, Wood(27), Wood(35), Mr. Speaker. Total – 59.

NAYS – Barrett, Harwood, Schaefer. Total – 3.

Absent and excused – Lake, Loertscher, Mathews, Rusche, Simpson, Smith(24), Takasugi, Thompson. Total – 8.

Total – 70.

Whereupon the Speaker declared that [H 212](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 151](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Ms. King to open debate.

The question being, "Shall [H 151](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Bayer, Bedke, Bell, Bilbao, Black, Block, Boe, Bolz, Burgoyne, Chavez, Chew, Collins, Crane, Cronin, Durst, Eskridge, Gibbs, Hagedorn, Hart, Henderson, Higgins, Jaquet, Jarvis, Killen, King, Labrador, Moyle, Nonini, Pasley-Stuart, Pence, Raybould, Ringo, Roberts, Ruchti, Sayler, Schaefer, Shepherd(02), Shirley, Smith(30), Stevenson, Trail, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 46.

NAYS – Andrus, Barrett, Boyle, Chadderdon, Clark, Hartgen, Harwood, Kren, Luker, Marriott, McGeachin, Nielsen, Palmer, Patrick, Shepherd(08), Thayn. Total – 16.

Absent and excused – Lake, Loertscher, Mathews, Rusche, Simpson, Smith(24), Takasugi, Thompson. Total – 8.

Total – 70.

Whereupon the Speaker declared that [H 151](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

Mr. Moyle asked unanimous consent that the remaining bills on the Third Reading Calendar retain their places until Monday, March 16, 2009. There being no objection, it was so ordered.

There being no objection, the House advanced to the Sixteenth Order of Business.

Adjournment

Mr. Moyle moved that the House adjourn until 10:30 a.m., Monday, March 16, 2009. Seconded by Mr. Ruchti. Motion carried.

Whereupon the Speaker declared the House adjourned at 9:05 a.m.

LAWERENCE DENNEY, Speaker

ATTEST:

BONNIE ALEXANDER, Chief Clerk